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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,437	04/18/2001	Michael P. Etgen	RSW9-2001-0006-US1	3954

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EXAMINER

PITARO, RYAN F

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/837,437

Applicant(s)

ETGEN ET AL.

Examiner

Ryan F Pitaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,6,9,11 and 14-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,9,11,14-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1,3,6,8,9,11,14-31 have been examined.

### ***Claim Objections***

2. Claim 16 is objected to because of the following informalities: Claim 16 is dependent on claim 5, which was previously cancelled. The Examiner feels that claim 16 should have been dependent on claim 15, and treated prior art rejections on that basis. Appropriate correction is required.
3. Claim 22 is objected to because of the following informalities: In line 5 of claim 22, "responsive to a user=s resizing" should be "responsive to a user's resizing". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 1,11,23,25,26 recites the limitation "said slider" in each of the claims. There is insufficient antecedent basis for this limitation in the claim since a second and a first slider are present in most cases "said slider" does not distinguish between the two.

### ***Response to Amendment***

1. This communication is responsive to Amendment C, filed 1/21/2005.
2. Claims 1,3,6,8,9,11,14-31 are pending in this application. Claims 1,15,18,21,23 are independent claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3,6,15,19,21,23,25 are rejected under 35 U.S.C. 102(e) as being anticipated by Soenksen ("Soenksen", US 6,711,283).

As per claim 1, Soenksen teaches a method for displaying a user-selected portion of an image, said method comprising the steps of: (a) displaying said image via a graphical user interface (Figure 5A item 107); (b) providing a display area of a certain size via the graphical user interface, said display area being provided adjacent said image (Figure 5A item 124); (c) displaying a slider that is variable in size according to user input, said slider being displayed superimposed over said image to define a corresponding first portion of said image within a boundary of said slider (Figure 5A item

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106); (d) displaying said first portion of said image in said display area, said first portion of said image being enlarged relative to said image to fill said display area of said certain size (Figure 5A item 104) (e) accepting user input to resize said slider, the user input being accepted responsive to a user's manipulation of an input device (Column 21 lines 60-64); (f) displaying said slider as resized, said resized slider being displayed superimposed over said representation of image to define a corresponding second portion of said image within said boundary of said slider (Column 21 lines 60-64); and (g) displaying a said second portion of said image in said display area, said portion of said image being enlarged relative to said image to fill said display area of said size (Column 22 lines 12-18).

As per claim 3, which is dependent on claim 1, Soenksen teaches a method wherein said user's manipulation of said input device of step (c) comprises a click-and-drag technique (Column 21 lines 60-64).

As per claim 6, which is dependent on claim 1, Soenksen teaches a method wherein said slider is translatable over said image (Figure 5A item 128).

Claims 15 and 19 are similar in scope to claim 3, and are therefore rejected under similar rationale.

Claim 21 and 23 is similar in scope to that of claim 1 and is therefore rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soenksen ("Soenksen", US 6,711,283) in view of Moran et al. ("Moran," US# 5,717,869).

As per claim 8, which is dependent on claim 1, the invention of Soenksen fails to teach the method of claim 1, wherein a visual momentum technique is used to relate said second portion of said image to said image. Moran teaches displaying a visual relationship between the overview of a file area and the focused file area (Moran, Fig. 5., col. 20, lines 33-52). It would have been obvious to one skilled in the art at the time of invention to use visual relationship of Moran in the data display to a system of Soenksen because it would provide a more clear correlation between the small image and the large image.

As per claim 9, which is dependent on claim 8, Moran further teaches the method of claim 8, wherein said visual momentum technique comprises displaying a pair of lines extending from said second portion of said image to said image (Moran, Fig. 5', col. 20, lines 33-52).

8. Claims 11,14,18,22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soenksen ("Soenksen", US 6,711,283) in view of North et al ("North", User Controlled Overviews of an Image Library: The Visible Human Explorer).

As per claim 11, which is dependent on claim 1, Soenksen teaches resizing of sliders and superimposing sliders over images; however, Soenksen fails to distinctly

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point our two sliders cooperating together to define portions of the image at the intersection of the sliders. North teaches displaying a second slider (Page 4 item 20), said second slider distinctly from said first slider (Page 4 item 10) and being superimposed over said image and cooperating with said slider to define said first and second portions of said image at an intersection of said second slider and said slider (Page 4 item 30) being variable in size according to user input. Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Soenksen with the teaching of North. Motivation to do so would be have been to provide a user with the exact portion they would like to preview.

Claims 18,22 and 24 are individually similar in scope to that of claim 11, and are therefore rejected under similar rationale.

As per claim 20, Soenksen-North teaches a method wherein said first portion or said second portion of said image is displayed adjacent said image (Soenksen, Figure 5A).

9. Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soenksen ("Soenksen", US 6,711,283) in further view of Perry ("Perry," US# 5,553,225).

As per claim 14, which is dependent on claim 1, the invention of fails to teach the method of claim 1, wherein said slider comprises a scroll box of a scroll bar. However, Perry teaches an input functionality by enabling the user to directly change the slider's length, thereby changing the display scale (Figs. 2 and 4-6; col. 4, lines 30-50). It would

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have been obvious to one skilled in the art at the time of invention to use the variable size slider bar of Perry in the slider system of Soenksen because it would give the user a more visually familiar system, thereby making the system more user-friendly.

Dependent claim 17 is similar in scope to claim 14, and is therefore rejected under similar rationale.

10. Claims 25-28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soenksen ("Soenksen", US 6,711,283) in further view of Paal ("Paal" US# 5,263,134).

As per claim 25, which is dependent on claim 11, Soenksen fails to distinctly point out sliders relative to axis. Paal teaches the method of claim 11, wherein said slider is translatable relative to said image along only axis (Paal, col. 11, lines 52-68 and col. 12, lines 1-3). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Soenksen with the teaching of Paal. Motivation to do so would have been to provide a controlled way to view the image.

As per claim 26, which is dependent on claim 25, Soenksen -Paal further teaches the method of claim 25, wherein said slider is resizable only along said axis (Paal, col. 11, lines 52-68 and col. 12, lines 1-3).

As per claim 27, which is dependent on claim 11, Soenksen -Paal further teaches the method of claim 11, wherein said second slider is translatable relative to said image along only a second axis orthogonal to said axis (Paal, col. 11, lines 52-68 and col. 12, lines 1-3).



As per claim 28, which is dependent on claim 27, Soenksen -Paal further teaches the method of claim 27, wherein said second slider is resizable along only said second axis (Paal, col. 11, lines 52-68 and col. 12, lines 1-3).

As per claim 31, which is dependent on claim 26, Soenksen -Paal further teaches the method of claim 26, wherein said second slider is translatable relative to said image along only a second axis orthogonal to said axis, and wherein said second slider is resizable along only said second axis (Paa1, col. 11, lines 52-68 and col. 12, lines 1-3).

11. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soenksen ("Soenksen", US 6,711,283) and North et al ("North", User Controlled Overviews of an Image Library: The Visible Human Explorer) in further view of Paal ("Paal" US# 5,263,134).

As per claim 29, which is dependent on claim 15, Soenksen -North fails to distinctly point out sliders relative to axis. However, Paal teaches the graphical user interface of claim 15, wherein said slider is translatable relative to said image along only one axis (Paal, col. 11, lines 52-68 and col. 12, lines 1-3). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Soenksen-North with the teaching of Paal. Motivation to do so would have been to provide a controlled way to view the image.

As per claim 30, which is dependent on claim 29, Soenksen-North-Paal further teaches the graphical user interface of claim 15, wherein said slider is translatable

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relative to said image along only one axis (Paal, col. 11, lines 52-68 and col. 12, lines 1-3).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1,3,6,8,9,11,14-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US006411275B1 teaches a display to a part of the screen.
- US006769131B1 teaches a movable range of zoom to display an image.
- US 4,751,507 teaches simultaneously viewable fine and coarse resolution display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm M-Th, and alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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RFP

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